

Notice of Allowability

Application No.

10/655,989

Examiner

Isaac N Hamilton

Applicant(s)

LIN, YU-CHIANG

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/03/2005.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 05 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

Since all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the election of species requirement made in the Office action mailed on 12/10/04 is hereby withdrawn. The limitation in the allowable generic claim of the cutters being fixed to the tip of the tong member by an elastic clamp, which is fixed to the tong member by a fixture through a latch hole is present in all of the independent claims.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Mr. Charles E. Baxley, on February 4, 2005.

The application has been amended as follows:

Page 6, line 17, "member" has been changed to --member disposed at the end of the tong handles--;

Page 7, lines 9, 11, 12, 13 and 15, "20" has been deleted;

Page 7, line 14, "a working section" has been deleted;

Art Unit: 3724

Page 8, lines 3 and 7, "20" has been deleted;

Page 8, line 2, "being" has been changed to --is--.

The following is an examiner's statement of reasons for allowance: The claims define a hole puncher comprising a pair of tong handles that have cutters, which are removable from the tip of the tong member, wherein the cutters are held in place by an elastic clamp that is fixed to the backside of the tip of the tong member by a fixture through a latch hole. Harmon (645,927) teaches a hole puncher comprising a pair of tong handles that have cutters, which are removable from the tip of the tong member, but does not teach the cutters held in place by an elastic clamp. Balback (5,327,652) teaches a hole puncher comprising a pair of tong handles that have cutters, which are removable from the tip of the tong member, but does not teach the cutters held in place by an elastic clamp. Burger (6,178,844) teaches an object that is being held by an elastic clamp, but does not teach a hole puncher, and does not teach an elastic clamp that is fixed to the backside of the tip of the tong member by a fixture through a latch hole. Peterson (4,505,058) teaches a cutter that is being held by an elastic clamp, but does not teach a hole puncher, and does not teach an elastic clamp that is fixed to the backside of the tip of the tong member by a fixture through a latch hole. It would not have been obvious to use the references in combination with other prior art teachings to meet the claim limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3724

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



IH
February 4, 2005



Allan N. Shoap
Supervisory Patent Examiner
Group 3700